

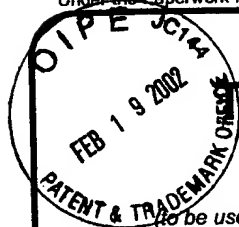
#7 1638

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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# TRANSMITTAL FORM

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Application Number	09/988,462
Filing Date	11/20/2001
First Named Inventor	Koziel, Michael
Group Art Unit	1638
Examiner Name	TBA McElwain
Attorney Docket Number	S-188051

Total Number of Pages in This Submission **6**

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

8 references

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	J. Timothy Meigs, Attorney for Applicant, Reg. No. 38,241
Signature	<i>J. Timothy Meigs</i>
Date	Feb. 12, 2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: February 12, 2002

Typed or printed name	Susan D. Holder
Signature	<i>Susan D. Holder</i>
Date	February 12, 2002

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7  
CASE S-188051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1638

KOZIEL ET AL.

Examiner: TBA

APPLICATION NO: 09/988,462

FILED: November 20, 2001

FOR: SYNTHETIC DNA SEQUENCE HAVING ENHANCED  
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Assistant Commissioner for Patents  
Washington, D.C. 20231

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INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449.

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits. If a fee is deemed to be required, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 19-0134.

Some of the listed references are of record in parent application 09/547,422, filed April 11, 2000, and copies are available therein. However, applicants are willing to send copies of any or all of these references at the Examiner's request.

Also, copies of the other cited references are enclosed herewith. The submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

The Examiner is requested to consider the foregoing information in relation to this application and indicate that each reference was considered by returning a copy of the initialed PTO 1449 form(s).

Respectfully submitted,

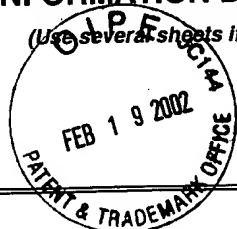
A handwritten signature in cursive script, reading "J. Timothy Meigs".

J. Timothy Meigs  
Attorney for Applicant  
Registration No. 38,241

Syngenta Biotechnology, Inc.  
P. O. Box 12257  
Research Triangle Park, NC 27709-2257  
Telephone: 919-541- 8587  
Date: Feb. 12, 2002

**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)



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Sheet 1 of 3

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1638

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	AA	5,625,136	4/29/97	Koziel et al.	800	205	9/25/92
	AB	6,121,014	9/19/00	Koziel et al.	435	69.1	6/2/95
	AC	6,051,760	4/18/00	Koziel et al.	800	302	6/2/95
	AD	6,075,185	6/13/00	Koziel et al.	800	302	6/2/95
	AE	5,350,689	9/27/94	Shillito et al.	435	240.47	3/1/93
	AF	5,380,831	1/10/95	Adang et al.	536	32.71	5/3/93
	AG	5,436,391	1/25/95	Fujimoto et al.	800	205	11/27/92
	AH	6,320,100	11/20/01	Koziel et al.	800	279	4/11/00
	AI	6,331,665	12/18/01	Lundquist et al.	800	302	3/20/96
	AJ	App. No. 08/438,666	Pending	Koziel et al.			5/10/95

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AK	0 290395	11/1/88	EP			<input type="checkbox"/>	<input type="checkbox"/>
	AL	0 431829	6/1/89	EP			<input type="checkbox"/>	<input type="checkbox"/>
	AM	0 348348	12/1/89	EP			<input type="checkbox"/>	<input type="checkbox"/>
	AN	0 353908	2/1/90	EP			<input type="checkbox"/>	<input type="checkbox"/>
	AO	0 359472	3/1/90	EP			<input type="checkbox"/>	<input type="checkbox"/>
	AP	0 374753	6/1/90	EP			<input type="checkbox"/>	<input type="checkbox"/>
	AQ	0 385962	9/1/90	EP			<input type="checkbox"/>	<input type="checkbox"/>
	AR	0 408403	1/1/91	EP			<input type="checkbox"/>	<input type="checkbox"/>
	AS	0 431829	6/1/91	EP			<input type="checkbox"/>	<input type="checkbox"/>
	AT	WO/9010076	9/1/90	WIPO			<input type="checkbox"/>	<input type="checkbox"/>
	AU	WO/9110725	7/1/91	WIPO			<input type="checkbox"/>	<input type="checkbox"/>
	AV	WO/9116432	10/1/91	WIPO			<input type="checkbox"/>	<input type="checkbox"/>

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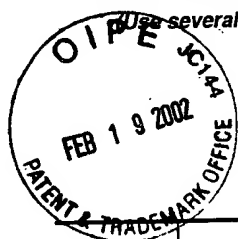
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**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent pages, Etc.)

AW	Barton et al., <i>Bacillus thuringiensis</i> delta-endotoxin expressed in transgenic <i>Nicotiana tabacum</i> provides resistance to lepidopteran insects <i>Plant Physiology</i> , Vol. 85 (1987) pp. 1103-1109
AX ✓	Cheng, X. et al. <i>Agrobacterium</i> -transformed rice plants expressing synthetic cryIA(b) and cryIA(c) genes are highly toxic to striped stem borer and yellow stem borer <i>Proceedings of the National Academy of Sciences</i> , Vol. 95 (March 1998) pp. 2767-2772
AY ✓	De Rocher, E.J. et al., <i>Direct Evidence for Rapid Degradation of Bacillus thuringiensis</i> Toxin mRNA as a Cause of Poor Expression in Plants <i>Plant Physiology</i> , Vol. 117 (1998) pp. 1445-1461 ✓
AZ ✓	Del Vecchio Blanco, F. et al., A recombinant ribosome-inactivating protein from the plant <i>Phytolacca dioica</i> L. produced from a synthetic gene <i>Federation of European Biochemical Societies Letters</i> , Vol. 437 (1998) pp. 241-245
BA	Fischhoff et al., <i>Insect Tolerant Transgenic Tomato Plants</i> <i>Bio/Technology</i> Vol. 5 (1987) pp. 807-813.
BB	Geiser, et al. <i>The hypervariable region in the genes coding for entomopathogenic crystal proteins of Bacillus thuringiensis: Nucleotide sequence of the kurhd1 gene of subsp. kurstaki HD1</i> <i>Gene</i> , vol. 48 (1986) pp. 109-118
BC	Harper et al., <i>Calcium and lipid regulation of an Arabidopsis protein kinase expressed in E. coli</i> <i>Biochemistry</i> , Vol. 32, no. 13 (1993) pp. 3282-3290
BD ✓	He, Y.K. et al., <i>Differential mercury volatilization by tobacco organs expressing a modified bacterial merA gene</i> <i>Cell Research</i> , Vol. 11(3) (2001) pp. 231-236
BE ✓	Huang, J. et al. <i>Expression and Purification of Functional Human <math>\alpha</math>-1-Antitrypsin from Cultured Plant Cells</i> <i>Biotechnology Progress</i> , Vol. 17 (2001) pp. 126-133
BF	Kim, et al. <i>A 20 nucleotide upstream element is essential for the nopaline synthase (nos) promoter activity</i> <i>Plant Molecular Biology</i> , Vol. 24 (1994) pp. 105-117
BG ✓	Kuvshinov, V. et al., <i>Transgenic crop plants expressing synthetic cry9Aa gene are protected against insect damage</i> <i>Plant Science</i> , Vol. 160 (2001) pp. 341-353
BH ✓	Mason, H. S. et al., <i>Edible vaccine protects mice against Escherichia coli heat-labile enterotoxin (LT): potatoes expressing a synthetic LT-B gene</i> <i>Vaccine</i> , Vol. 16, no. 13 (1998) pp. 1336-1343
BI	Murray et al. <i>Codon Usage in Plant Genes</i> <i>Nucleic Acids Research</i> , Vol. 17 (1989) pp. 477-498
BJ	Murray et al., <i>Analysis of unstable RNA transcripts of insecticidal crystal protein genes of Bacillus thuringiensis in transgenic plant and electroporated protoplasts</i> <i>Plant Molecular Biology</i> , Vol. 16 (1991) pp. 1035-1050

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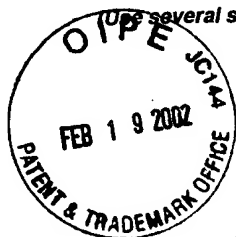
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**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent pages, Etc.)

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